

SENATE, No. 1286

STATE OF NEW JERSEY

210th LEGISLATURE

INTRODUCED MARCH 7, 2002

Sponsored by:

Senator JOHN A. GIRGENTI

District 35 (Bergen and Passaic)

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

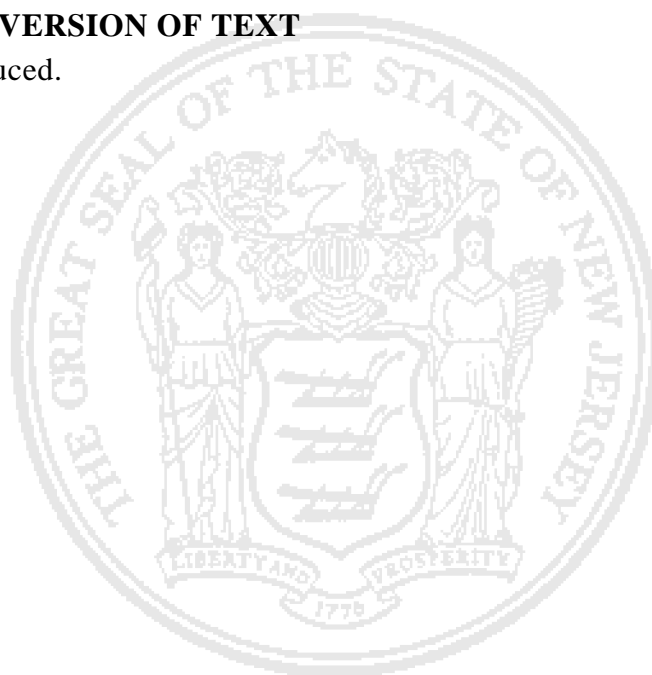
Assemblyman Merkt

SYNOPSIS

Permits parole board to prohibit certain parolees from harboring dangerous animals.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/13/2004)

1 AN ACT concerning parole conditions and amending P.L.1979, c.441.

2
3 **BE IT ENACTED** *by the Senate and General Assembly of the State*
4 *of New Jersey:*

5
6 1. Section 15 of P.L.1979, c.441 (C.30:4-123.59) is amended to
7 read as follows:

8 15. a. Each adult parolee shall at all times remain in the legal
9 custody of the Commissioner of Corrections and under the supervision
10 of the State Parole Board and each juvenile parolee shall at all times
11 remain in the legal custody of the Juvenile Justice Commission
12 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170),
13 except that the Commissioner of Corrections or the Executive Director
14 of the Juvenile Justice Commission, after providing notice to the
15 Attorney General, may consent to the supervision of a parolee by the
16 federal government pursuant to the Witness Security Reform Act,
17 Pub.L.98-473 (18 U.S.C. s.3251 et seq.). An adult parolee, except
18 those under the Witness Security Reform Act, shall remain under the
19 supervision of the State Parole Board and in the legal custody of the
20 Department of Corrections, and a juvenile parolee, except those under
21 the Witness Security Reform Act, shall remain under the supervision
22 of the Juvenile Justice Commission, as appropriate, in accordance with
23 the policies and rules of the board.

24 b. Each parolee shall agree, as evidenced by his signature to abide
25 by specific conditions of parole established by the appropriate board
26 panel which shall be enumerated in writing in a certificate of parole
27 and shall be given to the parolee upon release. Such conditions shall
28 include, among other things, a requirement that the parolee conduct
29 himself in society in compliance with all laws and refrain from
30 committing any crime, a requirement that the parolee will not own or
31 possess any firearm as defined in subsection f. of N.J.S.2C:39-1 or any
32 other weapon enumerated in subsection r. of N.J.S.2C:39-1, a
33 requirement that the parolee refrain from the use, possession or
34 distribution of a controlled dangerous substance, controlled substance
35 analog or imitation controlled dangerous substance as defined in
36 N.J.S.2C:35-2 and N.J.S.2C:35-11, a requirement that the parolee
37 obtain permission from his parole officer for any change in his
38 residence, and a requirement that the parolee report at reasonable
39 intervals to an assigned parole officer. In addition, based on prior
40 history of the parolee or information provided by a victim or a member
41 of the family of a murder victim, the member or board panel certifying
42 parole release pursuant to section 11 of P.L.1979, c.441
43 (C.30:4-123.55) may impose any other specific conditions of parole

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 deemed reasonable in order to reduce the likelihood of recurrence of
2 criminal or delinquent behavior. Such special conditions may include,
3 among other things, a requirement that the parolee make full or partial
4 restitution, the amount of which restitution shall be set by the
5 sentencing court upon request of the board. In addition, the member
6 or board panel certifying parole release may, giving due regard to a
7 victim's request, impose a special condition that the parolee have no
8 contact with the victim, which special condition may include, but need
9 not be limited to, restraining the parolee from entering the victim's
10 residence, place of employment, business or school, and from
11 harassing or stalking the victim or victim's relatives in any way.
12 Further, the member, board panel or board certifying parole release
13 may impose a special condition that the person shall not own or
14 possess an animal for an unlawful purpose or to interfere in the
15 performance of duties by a parole officer.

16 c. The appropriate board panel may in writing relieve a parolee of
17 any parole conditions, and may permit a parolee to reside outside the
18 State pursuant to the provisions of the Uniform Act for Out-of-State
19 Parolee Supervision (N.J.S.2A:168-14 et seq.), the Interstate Compact
20 on Juveniles, P.L.1955, c.55 (C.9:23-1 to 9:23-4), and, with the
21 consent of the Commissioner of the Department of Corrections or the
22 Executive Director of the Juvenile Justice Commission after providing
23 notice to the Attorney General, the federal Witness Security Reform
24 Act, if satisfied that such change will not result in a substantial
25 likelihood that the parolee will commit an offense which would be a
26 crime under the laws of this State. The appropriate board panel may
27 revoke such permission, except in the case of a parolee under the
28 Witness Security Reform Act, or reinstate relieved parole conditions
29 for any period of time during which a parolee is under its jurisdiction.

30 d. The appropriate board panel may parole an inmate to any
31 residential facility funded in whole or in part by the State if the inmate
32 would not otherwise be released pursuant to section 9 of P.L.1979,
33 c.441 (C.30:4-123.53) without such placement. But if the residential
34 facility provides treatment for mental illness or mental retardation, the
35 board panel only may parole the inmate to the facility pursuant to the
36 laws and admissions policies that otherwise govern the admission of
37 persons to that facility, and the facility shall have the authority to
38 discharge the inmate according to the laws and policies that otherwise
39 govern the discharge of persons from the facility, on 10 days' prior
40 notice to the board panel. The board panel shall acknowledge receipt
41 of this notice in writing prior to the discharge. Upon receipt of the
42 notice the board panel shall resume jurisdiction over the inmate.

43 e. Parole officers shall provide assistance to the parolee in
44 obtaining employment, education or vocational training or in meeting
45 other obligations to assure the parolee's compliance with meeting legal
46 requirements related to sex offender notification, address changes and

1 participation in rehabilitation programs as directed by the assigned
2 parole officer.

3 f. The board panel on juvenile commitments and the assigned
4 parole officer shall insure that the least restrictive available alternative
5 is used for any juvenile parolee.

6 g. If the board has granted parole to any inmate from a State
7 correctional facility or juvenile facility and the court has imposed a fine
8 on such inmate, the appropriate board panel shall release such inmate
9 on condition that the parolee make specified fine payments to the State
10 Parole Board or the Juvenile Justice Commission. For violation of
11 such conditions, or for violation of a special condition requiring
12 restitution, parole may be revoked only for refusal or failure to make
13 a good faith effort to make such payment.

14 h. Upon collection of the fine the same shall be paid over by the
15 Department of Corrections or by the Juvenile Justice Commission to
16 the State Treasury.

17 (cf: P.L.2001, c.79, s.10)

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19 2. This act shall take effect immediately.

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22 **STATEMENT**

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24 This bill is intended to prevent parolees from harboring dangerous
25 animals in order to commit criminal activity or threaten the safety of
26 a parole officer. The bill permits the parole board to impose a special
27 condition of parole that the parolee not own or possess an animal for
28 an unlawful purpose or to interfere in the performance of duties by a
29 parole officer.